

REMARKS

Upon entry of this amendment claims 1, 2, 5-11, 13, 16-26, 27, 30, 32-35, and 37-54 are pending of which claims 1, 7, 21 and 26 are independent. Withdrawn claims 3, 12, 14, 15, 28 and 36 have been cancelled without prejudice by the Applicant. Claims 4, 29, and 31 have been cancelled without prejudice by the Applicant. Claims 1, 2, 5, 7, 21, 26, 27, 42 and 43 have been amended. New claims 44 - 54 have been added. Support for the amended claims and new claims is found in claims and specification as originally filled.

Reconsideration and allowance of all pending claims is requested in view of the following remarks.

A. Election/Restrictions

Claims 3, 12, 14, 15, 28 and 36 were subject to a restriction requirement and were withdrawn from consideration by the Examiner as being drawn to a non-elected species. In response to this Office Action, Applicant has cancelled, without prejudice, withdrawn claims 3, 12, 14, 15, 28 and 36. Applicant reserves the right to file a divisional application of the non-elected species.

B. Rejections under 35 U.S.C. §112

The Examiner has rejected claims 8-11 and 30 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner states that the claims are rejected because it is unclear what is meant by “m.”

As is known to one skilled in the art “m” refers to molal (molality), which is defined as moles of solute per kilogram (Kg) of solvent. In support of this definition, Applicant submits as Exhibit 1 a definition of molal and molar (molarity) from Hawley’s Condensed Chemical dictionary.

Applicant also draws the Examiner’s attention to page 9, lines 30 to 31 of the specification where the Applicant defines “m” as moles/Kg of solvent. Further, Example 1

clearly defines the additive concentration “m” in terms of moles of the NO additive per Kg of solvent.

Applicant submits that the Examiner’s concerns have been fully addressed and respectfully requests that the rejections under 35 U.S.C. §112 be withdrawn.

C. Allowable Subject Matter

The Examiner has indicated that claims 4, 7, 21, and 29 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicant has amended independent claim 1 to include the limitation of claim 4 and intervening claims that “one or more N-O additives comprises an inorganic nitrite selected from one or more of the group consisting of lithium nitrite, potassium nitrite, cesium nitrite, and ammonium nitrite.” Independent claim 26 has similarly been amended to include the limitation of claim 29 and intervening claim.

Claims 7 and 21 have been rewritten in independent form including the limitations of the base claim and any intervening claims.

Applicant submits that amended independent claims 1, 7, 21 and 29 fully address the Examiner’s concerns, and that the amended independent claims and those depending from them should be in a condition for allowance. Applicant respectfully requests allowance of these claims.

D. Rejections under 35 U.S.C. 103

The Examiner has rejected claims 1, 2, 5-6, 13, 16, 20, 22-27, 31-35, 37-43 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Pub. No. 2002/019557 to Choi et al. Claims 1 and 26 are independent claims, and claims 2, 5-6, 13, 16, 20, 22-25, 27, 31-35, 37-43 depend from claim 1 or claim 26.

Applicant has amended independent claims 1 and 26 to include all the limitations of allowable of claim 4 or claim 29, respectfully, and any intervening claim. Applicant submits that the rejections of amended independent claims 1 and 26, and claims that depend there from, are traversed.

Applicant respectfully submits that the Examiner's concerns have been fully addressed and requests that the rejections under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

In view of the amendments and remarks herein, reconsideration is respectfully requested. Applicant believes the case is in condition for allowance and respectfully requests withdrawal of the rejections and allowance of the pending claims.

In view of the Examiner's restriction requirement, Applicant retains the right to present the withdrawn claims in a divisional application. Applicant reserves the right to prosecute any cancelled claims or additional claims, including claims of broader scope, in a continuation application.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to **Deposit Account No. 19-3878**.

The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

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